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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,931	02/26/2004	Katrina Videnovich		4898

7590 09/01/2005
BURTON WERBEL
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EXAMINER
NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,931

Applicant(s)

VIDENOVICH ET AL.

Examiner

Hung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because on top of the drawing includes the applicant name and telephone number must be **removed**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. **In the Title:**

The Title of the invention is **too long**. Therefore, a new Title should be in the following:

--Easy interchangeability of embellishments on wearing apparel accessories--;

3. **In the claims:**

Claim Objections

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-3, the phrases “etc.” on the last lines renders the claim indefinite because they are unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuentes (U.S. 6,834,395).

Regarding claims 1-2, Fuentes discloses a sporting jacket / garment (10) is attached by display device (FBI) / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos / messages is receiver (30,40) which can be seen by people as advertisements or commercial. The display device is a receiver (30,40) which is receiving signal from a remote transmitter (30,40) by wireless signal (32,50), wireless network (630) [figs.1-2,5-6, col.3, line 45 to col.4, line 16, col.5, lines 46-59, col.6, lines 1-6, col.8, lines 8-18, col.10, line 59 to col.11, line 11];

- the sporting jacket / garment (10) is attached by display device / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos which can be removed as desired [figs.1-2, 5-6, col.3, line 45 to col.4, line 5, col.10, line 59 to col.11, line 15 and col.12, lines 13-23].

Regarding claim 3, Fuentes discloses a sporting jacket / garment (10) is attached by display device (FBI) / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos /

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messages is receiver (30,40) which can be seen by people as advertisements or commercial. The display device is a receiver (30,40) which is receiving signal from a remote transmitter (30,40) by wireless signal (32,50), wireless network (630) [figs.1-2,5-6, col.3, line 45 to col.4, line 16, col.5, lines 46-59, col.6, lines 1-6, col.8, lines 8-18, col.10, line 59 to col.11, line 11];

- the sporting jacket / garment (10) is attached by display device / flexible illuminated display pad (23) / patterns / indicators (20) / corporate logos which can be removed / Velcro or bonding material as desired / the patch (23) is secured by magnet type material [figs.1-2, 5-6, col.3, line 45 to col.4, line 5, col.10, line 59 to col.11, line 15 and col.12, lines 13-23].

Regarding claims 4-5, Fuentes discloses a circuit having microprocessors, timer, power supply / battery (30), a memory device for storing data information and operating advertisement as the display pad (23) / patterns / indicators (20) by LEDs (100) / corporate logos [figs.1-2, 5-6, col.2, lines 44-64, col.3, lines 45-61, col.4, lines 29-62, col.5, lines 46-61, and col.8, lines 51-60 and col.12, lines 43-63].

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Restauero (U.S. 6,558,016) Motorcyclist garment with illuminated traffic signals.
- Spearing (U.S. 6,679,615) Lighted signaling system for user of vehicle.

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- Palamides (U.S. 6,895,261) Portable wireless communication apparatus integrated with garment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982.

The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: August 29, 2005